

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 2928 – SB 2816

March 21, 2012

SUMMARY OF AMENDMENTS (015045, 015056): Defines “traumatic brain injury residential home” as a single family residence that provides residential care, including assistance with activities of daily living, in a home-like environment to no more than eight disabled adults suffering from the effects of a traumatic brain injury (TBI). Establishes conditions for licensure and inspection requirements under the Board for Licensing Health Care Facilities, including the types of services and activities that must be provided and staffing requirements. Defines “traumatic brain injury residential home provider” and establishes requirements for professional certification and licensure of providers. Amendment 015045 makes technical corrections; removes fire code requirement exemption at the discretion of the Board; specifies professional certification requirements of staff members providing overnight care or supervision; and removes the exemption of a traumatic brain injury residential home that was in operation prior to July 1, 2009, from the requirements regarding separate licenses, the prohibition of licensure of multiple facilities at one time, requirements to submit initial building plans or plans for renovations or alterations, and plan review fees for such. Amendment 015056 changes “community-based TBI adult care” to “traumatic brain injury residential” throughout the bill.

FISCAL IMPACT OF ORIGINAL BILL:

Forgone Revenue – Exceeds \$2,800/One-Time/
Board for Licensing Health Care Facilities
Exceeds \$4,300/Recurring/
Board for Licensing Health Care Facilities

Increase State Expenditures – Not Significant/
Board for Licensing Health Care Facilities

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:

Increase State Expenditures – Not Significant/
Board for Licensing Health Care Facilities

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Assumptions applied to amendments:

- The regulatory and licensure requirements created for traumatic brain injury residential homes and providers are similar to those of adult care homes and providers.
- According to the Department of Health, the Department will create a separate application and modify the regulatory boards' computer system and its replacement system to create a separate licensure category code and database for collection of licensing information and tracking fee collections. Any cost will not be significant and can be accommodated within existing resources without an increased appropriation or reduced reversion.
- According to the Department of Health, there will be an increase in expenditures to train survey staff to perform initial licensure, periodic, and complaint surveys and ensure traumatic brain injury residential homes are complying with the proposed licensure and staffing requirements. Any cost can be accommodated within existing resources of the Board for Licensing Health Care Facilities.
- The Board will conduct a rule making hearing to promulgate rules and regulations for traumatic brain injury residential homes. This will occur at a regularly scheduled meeting and will not result in a significant increase in the Board's expenditures.
- Pursuant to Tenn. Code Ann. § 68-11-216, the Board for Licensing Health Care Facilities is required to be self-supporting over a two-year period. The Board had balances of \$594,768.55 in FY10-11 and \$392,654.16 in FY09-10.
- The proposed legislation states that the provisions of the bill do not entitle any traumatic brain injury residential home provider to funds from the TennCare CHOICES program or any successor program, other than funds that the provider or residents are eligible for apart from the legislation.
- According to the Bureau of TennCare, these facilities will not be covered by the program and TennCare managed care organizations will not be allowed to contract with these providers for any services under the CHOICES program.
- Residents who are TennCare enrollees and who receive other covered TennCare services, including physical and behavioral health services, will continue to receive covered benefits.
- There will be no fiscal impact to the TennCare program.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/kml